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Friday, 17 December 1999, 10.45 a.m.
New York

President:	Sir Jeremy Greenstock	(United Kingdom of Great Britain and Northern Ireland)
Members:	Argentina	Ms. Ramírez
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United States of America	Mr. Holbrooke

Agenda

The situation between Iraq and Kuwait

99-86771 (E)

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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President: I should like to inform the Council that I have received a letter from the representative of Kuwait, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Abulhasan (Kuwait) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the council have before them document S/1999/1232, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

I give the floor to the representative of Kuwait.

Mr. Abulhasan (Kuwait) (*spoke in Arabic*): I should like at the outset to express to you, Mr. President, and to your friendly country, the United Kingdom, our appreciation for your great and outstanding efforts to ensure the effectiveness of the Security Council with regard to one of the most important, sensitive and complex international issues. My delegation would also like to thank Ambassador Danilo Türk, Permanent Representative of Slovenia, for the efficient manner in which he presided over the work of the Security Council last month.

I feel it is my duty to express my gratitude, on behalf of the State of Kuwait, to this body for the work it has been intensively undertaking over the past nine months in attempting to find the best way of alleviating the suffering of the Iraqi people and of guaranteeing full implementation by Iraq of all the relevant Security Council resolutions.

My delegation believes that the tremendous efforts made by the Council on this issue provide important and strong proof that it is eager to fulfil its responsibilities under the Charter and to safeguard the implementation of its resolutions meticulously and properly. There is no doubt that this most important draft resolution before the Council today is aimed at maintaining the foundations of stability and security, not just in the Arab Gulf region, but also in the Middle East as a whole and, indeed, in the rest of the world. We believe that global security and stability are closely linked. This is particularly true when stability and security are threatened not merely by the acquisition of weapons of mass destruction, or by the attempt to acquire them, but also by the threat to use such weapons against neighbouring countries.

My country, Kuwait, has direct concerns regarding the draft resolution under consideration. It is therefore appropriate for us to review our concerns in this regard, and I should like briefly to highlight them. First, Kuwait fully endorses the content of paragraphs 13 and 14 of part B of the draft resolution, which address one of the most pressing humanitarian issues before us, namely, Kuwaiti prisoners of war and detainees, and third-country nationals held in Iraqi prisons. The report of the third of the three panels working on this issue stated clearly that the Government of Iraq is responsible for the continued suffering because of its failure to resolve this matter and its denial of the existence of such prisoners of war, as well as its failure to give details of their fate over the past nine years.

The Government of Iraq has, for its own purposes, exploited the preoccupations of the Security Council with the issues of disarmament and the suffering of the Iraqi people by procrastinating and failing to cooperate with the Tripartite Commission and its Technical Subcommittee, which were established by an agreement signed by Iraq in 1991. By suspending its participation in the work of those two bodies last January, Iraq has shown that it is not serious about resolving this humanitarian issue, thereby disregarding the humanitarian dimension. Kuwait therefore hopes that the Security Council will pursue this issue with the same vigour that it has shown in addressing the humanitarian suffering of the Iraqi people.

If the draft resolution is adopted today, we look forward to seeing the Security Council rapidly take the necessary measures to begin implementing its various provisions. We also wish the Secretary-General every success in appointing an eminent international

personality, known for his experience, skill and neutrality, to continue to discuss the issue of Kuwaiti prisoners of war and to report any developments to the Council, which is the body responsible for follow-up, in accordance with all the relevant resolutions. This matter cannot be delayed further.

Secondly, the State of Kuwait attaches great importance to the restitution of Kuwaiti property stolen by the Iraqi regime during its occupation of Kuwait. It considers such property to be of great significance, as it includes State archives containing documents belonging to the most important executive Government agencies. During deliberations on this issue, members of the Council referred to these archives as "the memory of the State", because they represent an accurate record of the history of Kuwait. That is in addition to the military equipment that is central to Kuwait's security and that Iraq is now using for its own military purposes. We reiterate that it is imperative that Iraq abide by Security Council resolutions calling for the return of all this stolen property, particularly property for which no cash compensation is possible as it is simply priceless.

Thirdly, Iraq's possession of weapons of mass destruction adds to my country's concerns, because Kuwait suspects and fears that Iraq's intentions are not peaceful and because Iraq has not disclosed its stockpiles of such weapons. The impact of those weapons on the peoples of the region increases the risks we face and poses a threat to security and stability, especially as we recall a bitter experience witnessed by the world in recent years: the Iraqi regime's use of those lethal weapons against its own people. That country would thus not hesitate to use them against the peoples of neighbouring countries.

In that context, Kuwait supports strict and meticulous compliance with the draft resolution that is before the Council today, should it be adopted, and with all other relevant Security Council resolutions aimed at removing Iraq's weapons of mass destruction, and the means for their manufacture and for research into their development. That is a necessary and effective step towards attaining the goal of a Middle East region free from weapons of mass destruction and towards bringing about international stability.

Fourthly, Kuwait fully supports the provisions of part C of draft resolution S/1999/1232 relating to the humanitarian situation in Iraq, on the basis of its complete empathy with the fraternal people of Iraq in its suffering, the persistence of which is the sole responsibility of the Government of Iraq. We believe that new measures adopted by the Council to improve and promote the oil for food programme would, if Iraq fully complied with them, alleviate the suffering of the Iraqi people. We in Kuwait are doing our utmost to provide humanitarian assistance to any Iraqis we can reach.

Fifthly, Kuwait sincerely hopes that the Government of Iraq will respond positively to the draft resolution, should it be adopted, and that it will cooperate with the United Nations in implementing it. Cooperation in good faith by Iraq will help dissipate the atmosphere of distrust that prevails in Kuwait in particular, and in the region as a whole. The Iraqi Government continues to show that its intentions are not peaceful, both by not complying with the relevant Security Council resolutions and by repeated official statements by high-ranking Iraqi Government officials. This makes it clear to us that the Iraqi Government still feels no guilt about its cardinal sin of invading Kuwait and violating its sanctity, sovereignty and independence through the 2 August 1990 occupation.

A striking example of this is the comment made by the Iraqi Vice-President, Taha Yasin Ramadan, in an interview aired on Moroccan television's Channel Two. On the "Special Guest" programme broadcast on Wednesday, 17 November 1999, Mr. Ramadan responded as follows to the question of whether Iraq regretted its invasion of Kuwait,

> "No, never. We have no regrets over confronting aggression. The aggression against Iraq is too obvious. I think this has become even more obvious in the wake of the disclosure of the many schemes devised by the United States against Iraq and against the Iraqi leadership. We discovered this through the plots contrived by the United States, which are known to the Iraqi leadership. We continue to be faithful to our leadership because we believe that it reflects the collective conscience of our nation. In times of crisis, our Arab people has clearly expressed its support of these goals — not the goals of aggression, and not those leaders who do not shoulder their responsibilities."

Against that backdrop, I think the Council can understand the legitimate concerns of Kuwait and other States in the Arabian Gulf area. We cannot feel comfortable in the face of such explicit pronouncements and of the open acknowledgment by Iraqi leaders that they have no sense of remorse — which is the first step towards repentance. Our main concern is that the

Government of Iraq will persist in its current practices and policies of prevarication and selectivity in their compliance with Security Council resolutions. That would return our entire region to the vortex of crisis and instability.

All the concerns I have mentioned today are covered in the draft resolution before the Council. They are also priority matters for the members of the Gulf Cooperation Council (GCC), as clearly indicated by Their Majesties and Their Highnesses the leaders of the GCC countries at their summit meeting, held two weeks ago at Riyadh, Saudi Arabia. The Final Declaration of the summit called, *inter alia*, for the following: first, Iraq must implement all relevant Security Council resolutions, especially those relating to the release of Kuwaiti and third-country prisoners and the return of stolen Kuwaiti property; secondly, Iraq must demonstrate its peaceful intentions towards its neighbours and acknowledge that its invasion of Kuwait was a breach of Arab and international legal conventions; and thirdly, Iraq must support all initiatives aimed at easing the suffering of the Iraqi people.

Kuwait fully subscribes to the contents of the Final Declaration of the GCC summit; they are in line with the concerns of the Security Council as reflected in the draft resolution before it today.

If the Security Council adopts this draft resolution under Chapter VII of the Charter, it will thus become a legally binding instrument that acquires its legal force from the provisions of the Charter itself. Therefore, it must be strictly implemented by the Government of Iraq, on the one hand, and by members of the Security Council, on the other. I would like to refer in particular to the permanent members of the Council who have the primary responsibility for maintaining international peace and security under the Charter of the United Nations. Failure to carry out this draft resolution, should it be adopted, would undoubtedly undermine security and peace in our entire region.

I wish to close by once again inviting the Government of Iraq to respond favourably to the demands of this Council and to make good use of the adoption of this draft resolution, which defines in a balanced way the responsibilities of the Council on the one hand, and the obligations of Iraq in terms of implementing this and previous resolutions, on the other. Iraq must recognize that its full cooperation is now imperative, as peoples of the region and the world are fully mobilized to face the challenges of the new century and the challenges of development and stability instead of living in the grip of doubt, fear and uncertainty about the future.

As Kuwait sends out this appeal to the Government of Iraq, we realize that this is an opportune moment that coincides with a highly religious occasion for us as Muslims, the holy month of Ramadan. It also comes at the time of other religious events celebrated by the followers of all divine creeds, and at the end of a century that has been rife with wars and crises. Let us pray to Allah, the Almighty, that this will be an auspicious beginning for a century of peace, and a world imbued with wisdom and reason.

The President: I thank the representative of Kuwait for his kind words addressed to me.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): For a year, the work of the Security Council on the matter of Iraq has been deadlocked. The blame for that lies with the force used by the United States and Great Britain against Baghdad, circumventing the Security Council. That action was provoked by the biased and tendentious report of the former Special Commission on the lack of full cooperation by Iraq with the disarmament inspectors. At that time, many members of the United Nations, including Russia, gave their principled assessment of that illegal action and advocated an essentially new approach to the Iraqi issue based on strict compliance with the resolutions adopted by the Security Council and the Charter of the United Nations.

The chance to prepare such comprehensive approaches appeared after the work of the three panels chaired by Ambassador Amorim, who submitted to the Security Council carefully weighed and realistic recommendations. In April this year, Russia advocated the adoption of a draft resolution that would have approved those recommendations and instructed the Secretary-General to prepare practical steps for implementing them. That initiative was blocked by those who wanted to do things in the old way and to continue

using the burden of anti-Iraq sanctions in order to attain their own unilateral goals, going beyond the scope of United Nations decisions on post-crisis settlement in the Gulf region.

The advocates of such actions, whether or not they wanted to, in fact brought the situation to a repetition of what it had been when the leadership of the former Special Commission, under no form of control whatsoever, virtually passed its own verdict on the implementation of Security Council resolutions, constantly accusing Baghdad of violating its obligations to eliminate programmes of weapons of mass destruction. But it never provided any specific proof of a threat emanating from Iraq. It is good that members of the Security Council were not taken in by such attempts; thanks to the efforts of Russia, China, France and other members of the Security Council, the discussion focused on seeking a response to the key issue of how to resume international monitoring in Iraq and at the same time lessen and then halt the sanctions.

This was promoted to a large extent by the French, Chinese and Russian draft resolution submitted in June this year, whose provisions were spelled out in the joint Russian-Chinese document of 9 September. The heart of the document was the conclusion of Amorim's panels to the effect that conditions now existed for shifting the whole Iraqi disarmament dossier onto the ongoing monitoring system, along with the view that the remaining disarmament problems could be resolved successfully within that framework.

Another very important criterion contained in Amorim's recommendations was the need to ensure that the Security Council resolution on the new monitoring system should be acceptable to Iraq, because without cooperation from Iraq, any plans or projects would just remain on paper. As a result of lengthy discussions, including at the ministerial level, it proved possible to bring positions closer together on a number of issues. There is agreement on the establishment of a new monitoring body, which, unlike the former Special Commission, would be based on the norms contained in the Charter of the United Nations and on collegial methods of work and would be truly answerable to the Security Council.

For the first time the Council's willingness is set forth, as a first step, really to suspend sanctions. There was agreement on radical improvements in the humanitarian programme for Iraq in the period up to the suspension of sanctions, although of course it should have been possible long ago to resolve many problems in that area by lifting unjustified holds on contracts in the sanctions Committee. Additional measures were prepared with a view to speeding up the solution of problems relating to missing persons and Kuwaiti property. At the same time, the draft resolution submitted by the United Kingdom, right up until the last moment, remained ambiguous on crucial issues, primarily on the criteria for suspending sanctions. Vague wordings on that matter in the draft provided certain members of the Council an opportunity to interpret the draft in such a way as to require virtually full completion of the key disarmament tasks by Iraq and then, on that pretext, to postpone suspension endlessly. However, in strict pursuance of the earlier decisions of the Security Council, the completion of such disarmament tasks would entail the final lifting of sanctions. To suspend sanctions, it is sufficient simply to note progress being made in the remaining disarmament areas.

It was also unacceptable to have a provision in the draft about the need for Iraq to demonstrate full cooperation with the new monitoring body. We have always stressed that the wording "full cooperation" is extremely dangerous. Nobody has forgotten that it was under the pretext of an absence of full cooperation from Iraq that the former Special Commission provoked large-scale strikes by the United States and Great Britain against Iraq in December last year, circumventing the Security Council.

Faced with the firm stance of several Security Council members, the sponsors corrected these very harmful provisions of the draft. The discredited argument about full cooperation was removed. A clarification was introduced to the effect that progress on the remaining disarmament tasks — and not their virtual completion — would be grounds for assessing the conditions necessary to the suspension of sanctions. The wording about control of the financial aspects of the suspension, which essentially predetermined the continuation of the sanctions regime in another guise, was removed. The reference to Chapter VII of the Charter was spelled out more clearly so as not to provide any legal grounds for unilateral actions of force against Iraq contrary to positions held in the Security Council.

We note all of these shifts that have been made by the sponsors.

At the same time, we note all of the deficiencies of the draft resolution and some hidden dangers that remain. We must not forget that certain countries still have their

own agendas with respect to Iraq that may be at variance with the collective position of the Security Council. The Council never authorized the establishment of "no-fly zones", from which the civilian population of Iraq suffers to this day, nor did it authorize subversive acts against the Iraqi Government. It would seem that if we all seek truly new approaches in the Council to a long-term settlement in the Gulf, such illegal unilateral actions must end. Unfortunately, that has not happened.

In these circumstances, Russia cannot support the draft resolution before us today. We have decided, however, not to hinder its adoption since, at our insistence, serious changes have been introduced into the text. These changes offer an opportunity to break the Iraqi stalemate, in which the Secretary-General could play a very special role. Much will depend on the specific parameters of the new monitoring body; on who will lead it; on whether it is able to free itself from the pernicious heritage of the self-immolating Special Commission and to work honestly under the Security Council's control; and on how professionally and realistically the remaining key disarmament tasks and financial modalities for the suspension of sanctions are prepared.

How these practical matters arising from the draft resolution are resolved will directly determine the position of Baghdad. We are not trying to shield Iraq. We believe that it must resume cooperation with the United Nations. It is unacceptable, however, to allow the recreation of a situation in which the fate of an entire country was in the hands — or, to put it gently, under the inadequate leadership — of the former Special Commission.

From our past experience, we know that efforts may eventually be made in the Security Council to pressure Baghdad, to require it urgently to implement the provisions of this draft resolution and to threaten it with the imposition of additional measures. We issue this warning from the start: The fact that we are not blocking the adoption of this imperfect draft resolution should not be taken to indicate that we are obliged to play along with attempts to impose its forcible implementation.

Our position remains unchanged. Baghdad must meet the demands of the United Nations that it eliminate its weapons of mass destruction programmes. In response, the Security Council must lift sanctions. Judging from existing objective assessments, Iraq is already no threat to international and regional peace and security. In any event, no concrete proof has been submitted to the Council in recent years.

It is now up to the Security Council to act objectively and in an unbiased way. The very near future will reveal whether the collective good will of members of the Security Council can lead to strict and fair implementation of its own decisions, or whether the work of the Council on the issue of Iraq will once again slide into a politicized track. Depending on what happens, Russia reserves its right to determine its future position on this matter.

At this stage, it is important that, despite all the disagreements on the draft resolution before us, it has been possible to avoid a split in the Council, which would have been fraught with unilateral, and possibly even forcible actions, and to confirm the key role of the Council in the political settlement of the most important problems of the world today. As a permanent member of the Security Council, Russia will continue to do its utmost to strengthen that role.

Mr. Hasmy (Malaysia): My delegation believes that, had it not been for that fateful report of the former Chief Inspector of the United Nations Special Commission on Iraq, which triggered the December 1998 bombing of Baghdad and other Iraqi cities, the United Nations Special Commission would still be operating in Iraq, engaged in the important tasks that were mandated to it by this Council. The exercise before the Council today is one not just of asserting its authority and reclaiming its credibility with respect to the issue of Iraq, but equally importantly, one of restoring confidence and trust between the Council and Iraq. Indeed, the Council cannot reasonably expect to effectively re-establish its authority on this enormously difficult issue without also re-establishing a modicum of that confidence and trust that have been broken since December 1998.

Despite your best efforts, Sir, which we appreciate very much, the draft resolution does not go far enough to incorporate the concerns that had been expressed by my delegation and others, which would have enabled us to join in supporting a consensus text. It also is not comprehensive enough, as, out of expediency, it has left out the important issue of financial modalities. This is a difficult and complex issue which should have been resolved and incorporated into the resolution, along with the other issues, as a total and integrated package, since leaving it out is likely to create a lot of uncertainties and would complicate the implementation of the draft resolution. We reiterate the view that a consensus approach would contribute enormously to the success of this exercise.

The draft resolution provides, *inter alia*, for the resumption of arms inspections in Iraq and the suspension of the nine-year-old sanctions, but while it is precise in respect of the establishment of a new monitoring, inspection and verification commission and the return of disarmament inspectors on the ground, it is less clear, indeed vague and full of conditionalities, in respect of the triggering of the suspensions; nor does it establish a definite benchmark or a time-frame for the final lifting of the sanctions, which ought to be as much the objective of the entire exercise as are the accounting for and disposing of Iraq's alleged remaining weapons of mass destruction. In our view, it is reasonable, in the absence of such a benchmark or time-frame, for there to be an element of certainty and predictability in the renewals of the suspensions based on the positive reports of the new commission. This is important not least for purposes of economic and development planning for Iraq, which must urgently embark on rebuilding its shattered economy. Nine years of punitive sanctions are far too long for any country to bear.

This Council has the responsibility to assess the enormity of the effects of the sanctions on the Iraqi people and must begin the process of dismantling them as soon as possible, predicated, of course, on Iraq's compliance with all relevant resolutions of the Council. It cannot be denied that the sanctions have had debilitating effects on the Iraqi population as a whole, especially the most vulnerable groups, such as the elderly, the infirm and children, who are deprived of many of the most basic amenities which are taken for granted elsewhere.

The indefinite continuation of the sanctions violates the very spirit and purposes of the United Nations enshrined in its Charter, which, *inter alia*, seeks "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person" and to "promote higher standards of living, full employment, and conditions of economic and social progress and development". These are the very words of the Charter.

These lofty ideals ring hollow indeed in the context of the reality of the situation in Iraq. The recent report of the United Nations Children's Fund on infant mortality, attesting to the preventable deaths of half a million children below the age of five years in Iraq since the imposition of the sanctions, is a telling indictment against the continuation of the sanctions and a sober reminder of the responsibility of the Council to end them as soon as possible. The only way to alleviate the dire plight of the Iraqi people is for the Council to work out a clear sanctions-lifting plan that would allow Iraq to resume normal economic relations with the international community.

There is consensus on two aspects of the draft resolution. The first is the crucial need for the return of a new monitoring, verification and inspection system to Iraq to complete the disarmament tasks that were once entrusted to the former Special Commission. There is broad agreement within the Council on continued monitoring and the urgent need to resolve the key remaining disarmament tasks in Iraq. However, any reinforced ongoing monitoring and verification system should take into account Iraq's dignity as an independent, sovereign State, as well as the religious and cultural sensitivities of its people.

My delegation regrets that this draft resolution persists in effecting stringent controls that could not but impact negatively on innocent civilians. The much touted oil-for-food programme, while important, has limited capabilities to meet the pressing needs of the Iraqi people. By one estimate, Iraq would need at least $30 billion annually to meet its current requirements for food, medicine and infrastructure. Improvements to this programme, which are proposed in this draft resolution, are essentially selective humanitarian measures which will only lead to incremental improvements and address a small fraction of the needs of the Iraqi people.

Lifting the oil export ceiling is welcomed, but is limited in its impact by the severely debilitated oil infrastructure in the country. Clearly, no real improvements are possible if urgent oil spare parts and equipment continue to be placed on hold in the 661 Committee. We continue to believe that nothing short of the massive rehabilitation of the entire economy and the rebuilding of Iraq's infrastructure will enable the situation to improve in a fundamental way.

The second consensus in the Council relates to the equally urgent need to resolve the Kuwaiti issues, namely, Iraq's commitment to facilitate the repatriation of all Kuwaiti and third country nationals and the return of all Kuwaiti property, including Kuwait's priceless archives. Clearly, there will be no final resolution of the Iraq issue until and unless all of these issues have been resolved. Aside from the need to demonstrate its clear cooperation in respect of the remaining disarmament issues, Iraq will have to show its cooperation in respect of these other equally important issues, beginning with resuming its cooperation with the Tripartite Commission

and the Technical Subcommittee to resolve the questions of Kuwaiti and third country missing persons.

The humanitarian nature of the issue is indisputable and must be addressed by Iraq, which must make every effort to resolve this and the equally important and emotive issue of the return of the missing Kuwaiti property and archives. The importance of these issues to Kuwait has been eloquently underscored yet again by the Permanent Representative of Kuwait in the Council this morning. My delegation firmly hopes that what he said will be taken to heart by Iraq.

Malaysia attaches particular importance to the issue of the hajj flights. We are opposed, as a matter of principle, to the imposition of sanctions on the performance of the hajj, which is one of the five sacred pillars of Islam, and have consistently urged the lifting of any such restrictions, whether in respect of the previous sanctions on Libya or on Iraq. While it is true that hajj flights are not under sanctions per se, aspects of the performance of the hajj by Iraqi pilgrims are subject to approval by the sanctions Committee in respect of Iraq or the 661 Committee.

I regret that a number of proposals made in this regard, including by my delegation, have not been accepted. On the basis of our experience in the 661 Committee, we do not believe the current formulation in the draft resolution will resolve the problems that occur every hajj season. It is imperative that the hajj issue be depoliticized once and for all by removing it from the sanctions regime altogether or by providing maximum latitude or flexibility in its implementation. This is an important matter to be urgently addressed out of respect for the Islamic faith, especially in the context of the upcoming hajj, which is only three months away. We wished that the issue of the hajj flights, which should also include the *umrah*, could have been treated with greater sympathy and understanding, particularly in the context of the inter-civilizational dialogue on which the international community is embarking.

The Council is about to adopt an enormously important resolution which will affect the lives of the Iraqi people in many ways. My delegation had proposed that the Council give a hearing to Iraq's views before it took action on this draft resolution. This is, after all, part of due process before a decision is made affecting the party concerned, as is provided for in the Charter of the United Nations and the Council's provisional rules of procedure.

My delegation regrets that its proposal has not been accommodated, in spite of support from a number of Council members. We will, nevertheless, continue to call for a dialogue and engagement with Iraq, in the belief that engaging Iraq, rather than isolating and demonizing it, will serve the best interests of both the international community and the people of Iraq. In this regard, we reiterate our conviction that the Secretary-General, who concluded an important memorandum of understanding with Iraq in Baghdad on 23 February 1998, has an appropriate and pertinent role to play and should be encouraged to do so.

The draft resolution before us is intended to set out a new Council approach towards Iraq. Unfortunately, it does not have the right balance. It is driven largely by political, rather than humanitarian, considerations. It is aimed at keeping Iraq under continued isolation, rather than bringing it out into the mainstream of international life, which should have been the real aim of this exercise. The language of the draft resolution is ambiguous in some important parts, so that it may lend itself to unilateral interpretation and/or action in its implementation, which must be avoided. The Permanent Representative of the Russian Federation alluded to this fact.

The text incorporates only some of the recommendations of the Amorim panels. My delegation had strongly supported the panels' recommendations, which, in our view, provide the most viable basis for resolving the outstanding issues with Iraq and should have been the basis of this omnibus draft resolution. We also believe that for the successful outcome of this exercise, it is important for the international community, particularly members of the Council, to create a conducive atmosphere. Regrettably, this is not the case, given the continuing violation of Iraq's sovereignty and territorial integrity.

For the reasons I have given, my delegation is unable to support the draft resolution.

Mr. Dangue Réwaka (Gabon) (*spoke in French*): One of Gabon's concerns during its term in the Security Council has been to see Iraqrejoin the concert of nations. This, of course, implies that Iraq respect the rules governing relations between actors of the international community. It also implies that Iraq comply with the relevant Security Council resolutions, particularly Security Council resolution 687 (1991) of 3 April 1991, which stated that Iraq should unconditionally accept the

destruction, removal or rendering harmless, under international supervision, of all prohibited weapons, as well as control of its armament programme.

Our greatest hope was to arrive at a draft resolution that would broadly take into account the comments and fundamental suggestions made by most of the Security Council members.

We deeply regret that the efforts made over a period of several months have not led to this outcome. It is even more regrettable that, in some areas, experts' views seem to be fairly precise. For example, Ambassador Amorim, Chairman of the evaluation panel set up by the Security Council on 30 January 1999, quoted the International Atomic Energy Agency to the effect that there was no indication that Iraq currently possessed nuclear weapons or that it retained any practical capacity to produce such weapons.

However, the same does not apply in the area of chemical, biological and other weapons, where many questions still require further clarification.

The draft resolution on which the Council is about to vote today offers Iraq an opportunity to resume its dialogue with the United Nations and to shed light on those shadowy areas that lead one to think that there is still something hidden concerning its programme of weapons of mass destruction.

In this context, the Gabonese delegation would encourage the Iraqi Government to take this opportunity to provide unfailing cooperation with the new United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) referred to in operative paragraph 1 of the draft resolution before us. Such cooperation would allow the Council to take, *inter alia*, the measures set forth in paragraphs 28, 33, 37 and 38 of the draft resolution.

Those paragraphs deal with an increase in resources currently allocated for spare parts for the oil industry, suspension of the prohibitions on the import of Iraqi products and on the sale to Iraq of civilian goods, and the lifting of the prohibitions imposed under Security Council resolution 687 (1991).

If Iraq were to help create the necessary conditions for implementation of those measures, it would be helping to ease the suffering endured by its people for the last nine years; it would be promoting a return to a normal life; it could make it possible to enjoy free trade with neighbouring countries; and it could help consolidate peace in the Middle East.

Cooperation must also be extended to the Tripartite Commission and the Technical Subcommittee established to investigate the cases of missing Kuwaiti nationals and third-country nationals, and to facilitate the return of Kuwaiti property and archives seized by Iraq.

On that important aspect of the situation between Iraq and Kuwait, the evaluation panels chaired by Ambassador Amorim reaffirmed that these issues were eminently humanitarian in nature and indicated that it was essential to provide information to the families of missing persons, whatever the circumstances. In this connection, we are pleased that the Secretary-General has been called upon to appoint a high-level coordinator to follow up and report on these matters to the Council every four months.

Lastly, we are very glad that, in paragraph 6 of the draft resolution before us, emphasis is placed on the need to provide high-quality technical and cultural training for the members of the new United Nations Monitoring, Verification and Inspection Commission. In fact, it was a lack of attention to Iraqi cultural sensitivities that in the past often jeopardized the relations between Iraq and the former Special Commission.

My delegation will vote in favour of the draft resolution contained in S/1999/1232 of 14 December 1999.

Ms. Ramírez (Argentina) (*spoke in Spanish*): For more than a year now, the United Nations has been prevented from carrying out its Security Council mandate to monitor Iraq's disarmament and to adopt permanent inspection and verification measures. The serious and complex causes of this state of affairs are clearly reflected in the fact that we needed more than 10 months to conclude negotiations, the first phase of which will come to a close with the adoption of the draft resolution before us.

Argentina cooperated in this process as a sponsor of one of the first draft resolutions drawn up. The purpose of that initiative was to help us out of the stagnation in which the Council found itself. It is reassuring to see that a number of the ideas embodied in that document have been incorporated into this new draft submitted by the delegation of the United Kingdom after several months of negotiations among the permanent members.

We have stressed the need to reach consensus in the Security Council to convince Iraq to resume cooperation with the United Nations. We have also supported the view that Iraq's opinions should have some relevance in this process. Nevertheless, the price of consensus cannot be the loss of the Council's authority; nor can it be an abandonment of the principles upheld ever since the adoption of Security Council resolution 687 (1991).

I shall now refer to what we believe are the main aspects of the draft resolution. In the first place, appropriate interaction between the Security Council, the new entity that will succeed the United Nations Special Commission — the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) — and Iraq is re-established. It will be the Security Council's responsibility to adopt the programme of work of that Commission and of the International Atomic Energy Agency (IAEA), and its fulfilment will be one of the conditions for suspending sanctions. UNMOVIC and the IAEA, for their part, will have to return to Iraq to prepare work programmes that will allow them to fulfil their mandate, after having determined the current state of affairs on the ground. These provisions of the draft, *inter alia*, indicate positive changes towards arriving at a clear-cut redefinition of competencies.

The concept of the suspension of sanctions to encourage compliance with resolutions is beginning to take root in the practice of the Council. The machinery envisioned in section D of this draft resolution reasonably makes the suspension of certain sanctions imposed on Iraq dependent on that country's cooperation with UNMOVIC and the IAEA in all aspects of the work programmes envisaged in operative paragraph 7. In the light of the precedents set, and in view of the subregional situation, which has not changed, it seems to us that cooperation without hesitation or reservation is an indispensable condition and a central element of the draft.

This draft resolution, once adopted, will have to be implemented, and it is to be hoped that Iraq will so comply. Thus, it would again be an interlocutor within the United Nations system and would benefit from the establishment of a suspension of sanctions at the halfway mark towards their lifting.

In any event, most of the humanitarian measures in section C will be applicable for the benefit of the Iraqi people immediately after the adoption of the draft resolution. The definitive lifting of the ceiling for oil exports from Iraq under the system established under resolution 986 (1995) and the establishment of a simplified machinery for approving imports of food, medication or educational items are decisions that will have an immediate effect.

Finally, the evaluation of the applicability of this draft resolution will also have to take into account the role that we, the members of the Council, have to play. For sanctions to be suspended, not only will Iraq have to comply with its obligations, but the Security Council will have to approve the programme of work of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). Moreover, the Council will have to agree upon a financial monitoring system to ensure that the suspension is effective. These two decisions are vital in the process, and we hope that they will be successfully implemented in the near future.

We also hope that Iraq will comply fully and unconditionally with paragraph 30 of resolution 687 (1991), in accordance with section B of the draft resolution.

The creation of UNMOVIC begins a new phase in the mandate concerning the ongoing disarmament, monitoring and verification of Iraq established in paragraphs 8, 9 and 10 of resolution 687 (1991) and in resolution 715 (1991). The new draft resolution includes all the necessary precautions to maintain the objectivity, technical capacity and professionalism needed to guarantee that this subsidiary body of the Council will report impartially on compliance with its mandate and the cooperation it receives from the Iraqi Government. It also makes it possible to take advantage of the knowledge and experience acquired by the United Nations Special Commission (UNSCOM) in its eight years of work.

In conclusion, we should like once again to express our appreciation for the efforts that you, Mr. President, as well as your delegation and your capital have made to make progress towards a text that would allow us to get out of the situation that has faced us since the end of 1998.

The President: I thank the representative of Argentina for the kind words she addressed to me.

Mr. Qin Huasun (China) *(spoke in Chinese):* Exactly one year ago, for reasons known to all, the United Nations arms inspection in Iraq had to be suspended. Since then the Security Council has been

deadlocked on the Iraqi issue, and nothing much has been done over the past 12 months. With a view to breaking this impasse, the Council set up three panels that put forward new recommendations on how to reinstate the arms inspection in Iraq, improve the humanitarian situation there and speed up the settlement of the issue of Kuwaiti missing persons. After that Council members held prolonged discussions and consultations, hoping to bring together the vastly different positions of the various sides and to reach consensus on a comprehensive and balanced resolution so as to restart United Nations arms inspection activities in Iraq.

How to solve the rather complicated Iraqi issue in a meaningful, effective and smooth manner is a serious topic that should be carefully considered by each and every member of the Council. China believes that in the formulation of new comprehensive Council policies on Iraq, at least the following three core issues will have to be addressed.

First, a new inspection commission should be established, which should be objective, impartial, transparent and accountable to replace the infamous United Nations Special Commission (UNSCOM). UNSCOM, established in line with resolution 687 (1991), scored considerable achievements in monitoring, verifying and destroying Iraqi weapons of mass destruction, achievements which should be acknowledged. However, under the leadership of its previous Executive Chairman, UNSCOM continuously concealed information from the Council, deceived and misled the Council and even went so far as to act presumptuously without authorization by the Council, thus playing a dishonourable role in triggering the crisis that was unfolding then.

I am sure that it is still fresh in the memory of every Council member that more than once UNSCOM delivered VX and other chemical agents to Baghdad without asking for permission beforehand or submitting reports afterwards. The Council may also recall that although hundreds of inspections went pretty well, and only a few caused minor problems, UNSCOM still came up with the conclusion that there was a lack of full cooperation from the Iraqi side. The Council may further recall that on such a crucially important issue as its withdrawal from Iraq UNSCOM bypassed the Council and made the decision all on its own. It is our demand, as well as our firm belief, that the new inspection commission must not repeat the path of UNSCOM. Its activities must be objective and accountable, and the Security Council must exercise absolute control over and supervision of its work.

Secondly, the remaining Iraqi disarmament issues should be defined clearly and precisely and resolved gradually and effectively. It is only fair to say that there has indeed been tremendous progress in the disarmament of Iraq, especially regarding the nuclear and missile files. It is also true, however, that some problems still remain. We have always held that the key remaining tasks should neither be dismissed lightly as non-existent nor wantonly exaggerated. The right thing to do is to send the new inspection commission to Iraq on a true fact-finding mission, and then the list of key remaining tasks should be reviewed and approved by the Council. The Iraqi Government will then undertake to address these tasks in accordance with the approved list and to accomplish its disarmament obligations as soon as possible so that the Council will accordingly lift all sanctions in a timely manner.

Last, but not least, there is an urgent need to relieve the Iraqi people of their tremendous, inhumane suffering, which has lasted for nine years. The nine-year-old sanctions have inflicted untold physical and psychological sufferings on Iraqi civilians, especially women and children. The United Nations Children's Fund (UNICEF), the United Nations Office for the Coordination of Humanitarian Affairs and the many humanitarian non-governmental organizations' aid groups in Iraq, after conducting separate field studies of their own, have all documented the cruel reality of severe humanitarian suffering in that country. They have made the same appeals repeatedly to the Council to put an early end to the inhumane sanctions against Iraq. No one in the Council has ever believed and agreed that the original intention of the Security Council in imposing sanctions against Iraq was to hurt those innocent civilians. Therefore, the Council has no justification whatsoever to prolong the humanitarian suffering of the Iraqi people.

Thanks to the efforts by all sides during the process of the consultations, the draft resolution before us incorporates many proposals and recommendations put forward by the panels on how to improve the humanitarian situation in Iraq. This is a positive outcome that most Member States, including China, have desired. In the draft resolution, there are also new measures for solving such problems as Kuwaiti missing persons and property. We have also noted that a final adjustment has been made by the sponsor. Thus, although we are not satisfied with the draft resolution as a whole, we feel that it does represent some improvement over the text initially proposed by some members.

The three core issues mentioned earlier can be resolved only through the adoption of a new and comprehensive resolution that can be implemented; only then can we begin to move out of the year-long impasse. However, I have to point out with regret that the implementation of the draft resolution before us is highly questionable. As I am sure everyone understands, without Iraqi cooperation it will hardly be possible to implement any resolution. If implementing a resolution does not enable Iraq to see the light at the end of the tunnel, as is the case with this draft, how could it be ready and willing to offer the cooperation we hope for?

We have always believed that Iraq is under the obligation to implement faithfully the relevant Council resolutions, but the Council is also under the obligation to implement its own resolutions honourably, give an objective assessment of Iraq's implementation, and gradually lift, or at least suspend, the sanctions accordingly. Therefore, we are of the view that in the draft resolution, the reinstatement of disarmament inspections and the suspension of sanctions against Iraq should be linked.

As long as Iraq honours its disarmament commitments and gradually achieves progress, the Council should move, in a timely manner, to suspend the sanctions. As long as the new Commission submits positive reports to the Council on Iraq's continued cooperation in addressing the key remaining tasks, the suspension of sanctions can, and should, be extended automatically. We have repeatedly suggested that the draft resolution should contain specific and feasible provisions which would not only make it easier to carry out the implementation, but would also help avoid possible misunderstandings and disputes among Council members. Regrettably, the reasonable position of the Chinese side on these key issues has not been reflected in the draft resolution.

China has also reiterated on many occasions that, because of the vastly divergent positions of the various sides on how to break the impasse and move the process forward, and because consensus can be reached only after painstaking consultations, to impose an artificial deadline for the consultation process simply will not help. Unfortunately, some members have declined to accept our argument and request, and have rushed the Council into action. We cannot but express our utmost regret in this respect.

In a situation where no consensus has been reached, to put a draft resolution to the vote, even if it is adopted, will not help to resolve the longstanding issue of Iraq. Nor can such an approach really help preserve the authority and role of the Council. The Chinese side does not favour such an approach, nor can it support such a draft resolution. Therefore, we have no choice but to abstain in the voting.

It is especially significant that the deliberations and vote on the draft resolution on Iraq are taking place in the Council at this particular time. Yesterday marked the first anniversary of the launching of the unilateral military strikes against Iraq by some members, in circumvention of the Security Council. Indeed, a worrying trend has emerged in international relations over the past year. The Iraqi and Kosovo crises have clearly demonstrated that the wilful use of force, especially unilateral actions taken without the Council's authorization, cannot only severely damage the status and authority of the Council, but also further complicate the situation. The Kosovo crisis had to be addressed by the Council eventually, and now the Iraqi issue also has to be resubmitted to the Council.

These facts have once again made it very clear that the use of force or any other means cannot substitute for the role of the Security Council in the maintenance of international peace and security. It should also be pointed out here that the so-called no-fly zone in Iraq has never been authorized or approved by the Council. The members concerned should immediately cease such actions, which fly in the face of international law and the authority of the Council. Those members should demonstrate real sincerity if they wish to address the issue of Iraq.

Mr. Fonseca (Brazil): We are gathered here today to consider a draft resolution which Brazil hopes will be the first step towards the return of normalcy in Iraq. By normalcy I mean the assurance that Iraq does not pose a threat to regional and international security. Iraq has to abide by its commitment to fully disclose its programmes of proscribed weapons and accept the reinforced mechanism of ongoing monitoring and verification.

But normalcy also means the free flow of trade to and from Iraq and the sovereign control of its resources — that is, the end of sanctions and the reintegration of Iraq into the community of nations on an equal footing.

Paragraphs 21 and 22 of resolution 687 (1991) clearly spell out the conditions for the return of normalcy in Iraq. They remain the standard for the lifting of

sanctions. However, it does not seem possible to achieve that objective immediately. Although its goals remain, the system established by resolution 687 (1991) seems to have exhausted itself. No sign could be more eloquent than the lack of inspections in Iraq for almost a year.

Such paralysis has made it necessary for the Security Council to define new parameters for its action in Iraq, without departing from the existing framework of rights and obligations laid down in previous resolutions.

It is very important that we look critically at the past in order to learn the lessons that may pave the way for the implementation of the draft resolution on which we are about to vote.

The text before us has as one of its main merits a forward-looking approach. It renews the legal basis for our action in Iraq and creates a new political reality based on the idea of a process.

Progress and suspension are important milestones that can be achieved in the medium term. Nevertheless, it seems imperative to recognize that they will have to be politically built. Such a building process, which is above all a confidence-building process, is conceived in the present draft as a continuous process of decision-making. At each particular step, the Security Council is asked to take concrete decisions that will require careful political judgment. We hope that this will be done and that the draft resolution will be fully implemented.

For almost a year now, the Security Council has been grappling with the question of how to reconstitute a unified stance on the Iraqi question and how to restore United Nations authority in Iraq.

The first meaningful step has been the establishment of the three panels. My predecessor, Ambassador Celso Amorim, dedicated a great deal of energy to the task of redefining some of the parameters for United Nations action in Iraq. This was a serious and important endeavour that was recognized by all members of the Security Council. The reports of the panels offered viable technical solutions for political consideration by the Security Council.

Last June, Brazil joined the group of sponsors of the Anglo-Dutch draft, with the main objective of helping to build consensus in the Security Council. At that time, different views were presented in the French-Russian-Chinese draft. We regret that it was not possible to achieve consensus. But after eight months of negotiations, I believe that we have a balanced text. It also incorporates many — albeit not all — of the recommendations of the three panels. We are grateful to the British delegation for all the efforts that they have devoted to this process, and we commend its results.

The draft may not be ideal for each and every delegation. But it is surely very close to the best possible result, taking into account the profound differences of opinion with regard to the question of Iraq. The alternative is the status quo, which, seen from the United Nations perspective, is a precarious balance of non-compliance and absence. Clearly, it cannot be acceptable, since Security Council resolutions are not being implemented while the Iraqi people continue to suffer from all sorts of deprivations. Brazil wants to see the Security Council in full control of a process that can lead to the implementation of its resolutions and to the return of normalcy in Iraq.

Finally, the question of how to engage Iraq has to be addressed, sooner rather than later. This will certainly not be an easy task, given the attitude of the Iraqi authorities, particularly after the events of December 1998 and the incidents of a military nature that continue to occur. It is our opinion that an effort of healing diplomacy will have to be made. The Security Council will need the help of all those with the capacity of holding dialogue with and influencing the Iraqi Government. The assistance of the Secretary-General may be needed.

The adoption of the draft resolution today will also send to the international community a clear sign of our resolve to address the Iraqi issue solely through peaceful means. All actions that fall outside this legal framework should be avoided. Brazil will vote in favour of the draft before us in the firm belief that it represents the start of a new phase in relations between the United Nations and Iraq.

The President: I thank the representative of Brazil for the kind words he addressed to my delegation.

Mr. Jagne (Gambia): At long last, the much-heralded "solution" resolution on the question of Iraq is before us. Your delegation, Sir, deserves commendation for all the effort that was put into it. We are confident that with the adoption of this draft resolution, the Council will succeed in breaking the logjam that cast a spell on it

and threw it into a state of near-paralysis for a year, with serious ramifications for regional peace and security.

The Council has been divided for much too long over Iraq, and the continued stalemate has not been in anybody's interest. That is why my delegation added its voice to those of other members of the Council who wanted this matter to be brought to a close as soon as possible. The efforts deployed with patience, persistence and perseverance, were not in vain. Moreover, for the first time since the imposition of sanctions against Iraq, this draft resolution offers real prospects for sanctions to be suspended and for their eventual lifting. In other words, it holds out the prospect of our seeing light at the end of the tunnel. The other day, my delegation drew the attention of the Council to the fact that the important thing is there is light at the end of the tunnel. But if we just stand by, and ask ourselves whether the light at the end of the tunnel is candlelight or moonlight, we are not making any progress; we are not helping Iraq.

There is no hidden agenda. Paragraph 7 is abundantly clear about where we want to go and what the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) is required to do, in that it clearly states what is required of Iraq. Secondly, on the issue of Kuwaiti prisoners of war and Kuwaiti archives and other property, this draft resolution provides a new approach. From now on there is going to be an active and close follow-up process. This important issue will not, therefore, be relegated to a secondary position. It is a serious humanitarian problem and must be treated as such.

Today, it is not the intention of my delegation to dwell on this issue, since the Permanent Representative of Kuwait has already spoken about it with unrivalled eloquence. My delegation agrees fully with everything that he has said on this issue. It will be recalled that the Gambian delegation has always maintained that the question of Kuwaiti prisoners of war, national archives and other property cannot be swept under the carpet. Iraq must agree to resume cooperation with the Tripartite Commission so that we can bring to a close the question of the prisoners of war and other missing persons. Some delegations have been lamenting the nine years of sanctions against Iraq. But it is also fair to lament the nine years of pain, anguish and uncertainty that 600 Kuwaiti families have been undergoing. Imagine the mental torture of 600 Kuwaiti families — they do not know the fate of their loved ones. The archives must be returned; failing to do so would be like robbing a country of its national identity.

Thirdly, the draft resolution addresses the humanitarian dimension of the Iraqi problem in a manner that we hope will go a long way to alleviating the suffering of the people of Iraq. It will now be possible for Iraq to sell as much petroleum and petroleum products as it can. As soon as a list is drawn up, humanitarian items such as foodstuffs, pharmaceuticals and medical supplies, as well as basic or standard medical and agricultural equipment and educational items, will no longer be submitted to the Committee established pursuant to resolution 661 (1990) for approval. Only the Secretary-General will need to be notified of their importation. This will remove the most depressing constraints on the Iraqi programme and hence make it possible for more humanitarian goods to reach Iraq as and when required.

Moreover, provision has been made to appoint a group of experts with the mandate speedily to approve contracts for spare parts and other equipment necessary to enable Iraq to increase its exports of petroleum and petroleum products. This would eliminate the problem of holds on spare parts for specified projects. Furthermore, this draft resolution also makes provision for the appointment of another group of experts, including oil industry experts, to report on Iraq's existing petroleum production and export capacity and to make recommendations. The use of additional import routes for Iraqi petroleum and petroleum products is not even ruled out.

We could continue to enumerate and extol the qualities and merits of this draft resolution. Henceforth, the Committee established pursuant to resolution 661 (1990) will be directed to take a decision on all applications in respect of humanitarian and essential civilian needs within two working days. To crown it all, there is a trigger mechanism to suspend sanctions, provided that Iraq cooperates in all aspects in honouring its obligations within the framework of the relevant Security Council resolutions. While acknowledging the progress made by Iraq to fulfil some of these obligations, there are still key tasks that remain to be completed. UNMOVIC and the International Atomic Energy Agency will identify them, and then we will move on. The ball is now in Iraq's court, and we sincerely urge the Iraqi authorities to seize this unique opportunity to set in motion the process for the countdown to the suspension of sanctions and their eventual lifting.

It must be understood, however, that what is being offered in this draft resolution is the lowest common

denominator, and we should be mindful of the fact that, inasmuch as there is need for consensus, the Council should endeavour to set and maintain high standards that are consistent and even-handed at all times. If it makes the sad mistake of changing or lowering the standards that it sets for itself for one reason or another, it will be setting a dangerous precedent. The Council must guard against giving special treatment to any country, no matter what happens. All countries should be treated fairly and equally. That is why my delegation vehemently opposed the idea of "implementability"; it is synonymous with palatability and, is therefore, a non-starter.

We have always said that Iraq is a great country with a rich cultural heritage, home to one of the oldest civilizations known, and that, by virtue of its abundant natural, mineral, human and other resources, it has huge potential to become an economic force to be reckoned with, not only in the Gulf region but also worldwide. Today, there are a number of countries that are not military Powers yet are forces to be reckoned with because of their economic, cultural, scientific and technological strength. In our view, that is real greatness — not military might and the accumulation of weapons of mass destruction. In fact, the draft resolution before us recalls the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery, and the objective of a global ban on chemical weapons.

In the light of all that I have said, my delegation will vote in favour of the draft resolution before us. It shows the way forward, so that Iraq too — provided that it cooperates in all aspects — can join the ranks of that category of countries which have earned the respect and admiration of all not because of the misleading notion of military might but because of the enlightened pursuit of economic miracles and success stories associated with technological breakthroughs in the service of mankind.

We are convinced more than ever before that by cooperating earnestly towards the implementation of this draft resolution, on which the Council will soon be taking action, Iraq has everything to gain and nothing to lose. In any case, half a loaf is better than none.

Finally, the delegation of the Gambia would like once more to pay a special tribute to Ambassador Celso Amorim for the pioneering role that he played in the quest for a viable solution to the Iraqi problem. He is a true trail-blazer.

Mr. Dejammet (France) (*spoke in French*): Today's vote is taking place a year and a half after the crisis with Iraq began in summer 1998 with Baghdad's refusal to cooperate with the United Nations Special Commission (UNSCOM), and with the subsequent sudden departure of UNSCOM and the International Atomic Energy Agency (IAEA) without consultation with the Council, and the ensuing events.

The draft resolution before us acknowledges the difficulties encountered in the implementation of resolution 687 (1991): the disarmament demands could not be fully met; the prospects of the early lifting of sanctions were no longer credible; and UNSCOM no longer offered all the necessary guarantees.

Hence France's January 1999 observation that the restoration of security and stability was the top priority: the Security Council should look to the future in order to prevent the arming of Iraq, and should to that end ensure the long-term presence on the ground of professional inspectors to help guarantee the security of all the States of the region. In the shorter term, it was also necessary to ensure that the sanctions targeted only prohibited weapons and matériel, and that they stopped punishing the Iraqi population, the humanitarian situation of which, as everyone is aware, is deteriorating daily.

The Council heard that message, and early in 1999 agreed that the relationship between Iraq and the United Nations needed to be set on a new footing. The establishment of expert panels, on the apt initiative of Canada, made it possible to begin a pragmatic and impartial approach. I wish here to pay tribute to the Chairman of the panels, Ambassador Celso Amorim, whose recommendations made a considerable contribution to the preparation of today's draft resolution. For our part, we would have wished that those recommendations could have been adopted in full and implemented by the Secretary-General in April 1999.

The present text combines successive drafts of various origins; through the work resumed in September by a number of delegations, it has been considerably modified.

The Council agreed unanimously to call on Iraq to cooperate on the matter of Kuwaiti missing persons and property. As a member of the Tripartite Commission, France intends in this regard to fulfil its responsibility to ensure that this matter is finally settled and to make it

possible to establish new relations between Iraq and Kuwait.

Moreover, the draft resolution would immediately make improvements to resolution 986 (1995). The elimination of the oil ceiling is a good example of this. We thank the United Kingdom for having in recent weeks incorporated a number of French suggestions, which most often drew on the conclusions of the Amorim panels. These include notification to the Secretariat of contracts involving items related to food, health, agriculture and education; approval of contracts for petroleum-related spare parts by independent experts; an increased quota for such spare parts; and suspension of resolution 986 (1995) when the sanctions themselves are suspended.

But two matters are regrettable: the refusal to break the isolation of the Iraqi population and in that connection to permit the resumption of civil aviation; and the lack of a real exception to the sanctions for religious activities such as the haj and the omra pilgrimages, because everything remains in the hands of the sanctions Committee, which itself is subject to a veto by any country.

The new United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) will be very different from UNSCOM, and that is a good thing. The new Commission will follow the principles of professionalism, collegiality and universality. Those principles should guarantee its independence from all Member States and ensure that, like the IAEA and the Organization for the Prohibition of Chemical Weapons, it enjoys the respect of all, including Iraq. The Commission will have the same powers and duties as its predecessor, including the duty to abide by the Memorandum of Understanding of February 1998. But its behaviour, its methods, its organization and its composition will have been reformed in depth.

The use of force to bring about the return of the inspectors is neither desirable nor practicable, as shown by the experience of December 1998. The draft resolution therefore had to include a mechanism for realistic incentives for the Iraqi authorities; this lies in the suspension, then the lifting, of sanctions. The impact of those sanctions, which have been of dubious effectiveness, falls first on the people of Iraq. It is they who daily pay the price for them. The Security Council, which has a choice of means to impose its policies, cannot completely shirk its responsibility in the face of what has been called a genuine humanitarian disaster. Hence the fact that members of the Council have finally agreed on the simple and realistic idea that if cooperation with Iraq were to resume in a manner that we all hope would be satisfactory, the sanctions would be suspended. That means relief for the Iraqi people and an incentive for the Iraqi authorities to cooperate.

This mechanism for suspension is linked, as France had proposed, to solid guarantees. The suspension can be extended only through another positive decision of the Council, while arms continue to be prohibited, naturally, and dual-use goods continue to be subject to advance monitoring. If Iraq does not cooperate, the sanctions will automatically be restored.

This draft resolution entails, however, one unknown factor and, above all, one ambiguous element that should have been resolved. The unknown factor stems from the fact that the details for the financial mechanism have not yet been specified. Iraq has been called upon to accept the return of the inspectors without knowing what arrangement will exist in the period after suspension. In future work on the issue, therefore, we will insist that monitoring be based on the reasonable proposals that our country formulated in writing at the end of July of this year. Resolution 986 (1995) must be suspended, and different modalities must be worked out to allow for freedom of trade and of civilian activity in conjunction with the retention of prohibitions on arms and dual-use goods.

But above all, and herein lies the ambiguity, the criteria for the suspension and then the lifting of sanctions gives rise to difficulties of interpretation. The analyses of members of the Council diverge. Paragraph 7 of the draft resolution means to us that once the work programme is completed, then it will be possible not to suspend the sanctions, but to lift them outright. Suspension, a partial and interim measure, is in accordance with the spirit of paragraph 21 of resolution 687 (1991) and must, as we see it, come into play once progress is reported in the implementation of the programme and not be held up until the work programme is completed. Such progress, in keeping with paragraph 34 of the draft resolution, must be the criterion for cooperation; and cooperation, in keeping with paragraph 33, is itself the criterion for suspension. A different interpretation of the text makes any suspension of the sanctions very uncertain. It is self-evident that one can not make the suspension — a partial and interim measure — contingent on conditions imposed for the lifting of sanctions. The very essence of the Council's proposal is here at issue.

It seems to us, then, that this text should have been clarified, especially with respect to the criterion for suspension; in this way it would have better reflected the views of all the members of the Council. We praise the efforts undertaken to this end over recent weeks, especially by you, Mr. President, and by the United Kingdom. We have done our part in this common endeavour, proposing a number of formulations in the hope of garnering a consensus. Why this insistence on consensus? Because unanimity will be indispensable for the effective implementation of this draft resolution. Indeed, the Council will have to approve without a veto the appointment of the new Chairman, approve without a veto the organization of the Commission and approve without a veto the list of the key tasks. If the interpretations of the text diverge, how will the Chairman of the new Commission be able to carry out his mandate, and how will the Council, for its part, be able to reach a decision as to when sanctions should be suspended?

One last, justified, attempt to secure agreement therefore made sense. It would have sufficed to make some modifications, to clarify the meaning of paragraph 7 and to specify that progress is the criterion for cooperation. Notwithstanding that last and, I repeat, justified effort, a consensus was not achieved. The draft resolution therefore remains imperfect. It falls short of the hopes we had in January. That is why France will abstain. The text, however, is also the only way open to us today, in the light of the views expressed by the majority of the members of the Council. That is why, our abstention notwithstanding, we will plead for wisdom to prevail in the interpretation of paragraphs 33 and 34 so that a reasonable financial mechanism can be adopted, and so that everyone will act realistically and in good faith in order to get the best out of the resolution.

Therefore, we must even now start thinking about the future, about what is to come after the resolution. The Council is going to decide. We will have to convince Iraq to abide by that decision and to muster its goodwill towards that end. We will have to consider the roles that the Member States, individually and collectively, as well as the Secretary-General of the United Nations, will be able to play in this regard. France, for its part, will spare no effort. We hope that the much-desired resumption of dialogue between the United Nations and Iraq will also make it possible to dispel the uncertainties of the resolution. We shall be vigilant in the interpretation and implementation of this text.

If, as we hope, within the Council there emerges the willingness to work towards consensus so as to clearly and realistically apply the guidelines set forth in this draft resolution, France will fully and unreservedly participate in that undertaking.

The President: I thank the representative of France for his kind words addressed to my delegation.

I now put to the vote the draft resolution contained in document S/1999/1232.

A vote was taken by show of hands.

In favour:
Argentina, Bahrain, Brazil, Canada, Gabon, Gambia, Namibia, Netherlands, Slovenia, United Kingdom, United States

Against:
None

Abstaining:
China, France, Malaysia, Russian Federation

The President: The result of the voting is as follows: 11 votes in favour, none against, and 4 abstentions. The draft resolution has been adopted as resolution 1284 (1999).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Burleigh (United States of America): An enormous amount of patience and hard work went into shaping this resolution over the past year, and its adoption today marks a profoundly important moment for the Security Council.

Every member of the Council made important contributions to this resolution, including those who did not vote in favour. The resolution was adopted with a large majority of Council members voting in favour, and it has the full authority of the Security Council behind it. It was adopted under Chapter VII of the United Nations Charter, and Iraq is obliged to comply with its provisions. The United States looks to Iraq to act without delay to facilitate the implementation of this resolution.

What is required of Iraq could not be more clear:

First, that it cooperate fully with the oil-for-food programme in order to maximize and optimize its benefits for all the people of Iraq; secondly, that it cooperate fully in meeting the humanitarian obligation to account for missing persons and return stolen Kuwaiti property; and thirdly, in the disarmament area, that it allow weapons inspectors to return, re-establish ongoing monitoring and verification and fulfil key remaining disarmament tasks.

These derive from the unmet requirements set by the Security Council in resolution 687 (1991) nearly nine years ago. In fact, this resolution represents nothing less than a reaffirmation by the Council, after a period of assessment and review, of its fundamental consensus on Iraq. The vote today was not unanimous, but no member asserts that Iraq has met its obligations under the Council's resolutions. No Council member argues that Iraq has disarmed as required. No Council member would say that Iraq has met its obligations to Kuwait or to the families of the missing. We expect all members of the Council, regardless of their vote on this resolution, to join in pressing Iraq for full and immediate implementation.

The United States supports this resolution because it provides a serious response on a serious issue. It is consistent with past resolutions. It is clear, it is reasonable and it can be implemented. As in the past, the United States will closely monitor Baghdad's response to this new resolution. Compliance or non-compliance with this resolution will be simple for the Council to measure.

Before commenting on a few key provisions of the resolution, I would like to acknowledge, on behalf of the United States, several individuals whose extraordinary contributions helped make this resolution possible.

First, as many other colleagues have done this morning, we commend the leadership of Brazil's former Permanent Representative, Ambassador Celso Amorim, whose able management of the assessment panels provided the Council with not a blueprint, but a valuable point of reference. Many of the provisions of this resolution are drawn directly from the recommendations of those panels. We thank Ambassador Amorim and his colleagues in the mission of Brazil for this important contribution.

Ambassador Peter van Walsum of the Netherlands earns our admiration every day for his expert management of the Iraq sanctions Committee. As one of the two initial co-sponsors of the Anglo-Dutch draft, he played a crucial role in sustaining the resolution as it evolved towards today's vote.

We also wish to recognize the early contribution of Ambassador Danilo Türk of Slovenia, whose intellectual creativity provided some of the key concepts embodied in this resolution.

The United States also acknowledges the strong, positive role played by the five elected members that will depart the Council at year's end: Bahrain, Brazil, Gabon, Gambia and Slovenia. By becoming early supporters of this measure, they exercised leadership on a challenging issue of overriding international concern. It is fitting that the Council was able to bring this complex resolution to fruition during the present Council term.

Similarly, we note the role of the other early supporters — Argentina, Canada and Namibia — that were profoundly important in establishing and supporting the overall structure and approach of this new resolution.

Finally, we commend the extraordinary contribution you, Sir, and your Government have made in steering this resolution through months of complex debate and negotiation to a successful outcome today. We thank you for that. Many observers thought it could not be done. Without Ambassador Greenstock's professionalism and fair-minded leadership, it would not have been done.

I would now like to turn to some of the key provisions of this resolution and briefly relate why the United States supports them.

Overall, we support the resolution because it will advance central objectives — objectives of the Council which the United States fully shares — in three main areas: arms control, humanitarian assistance and the issues relating to Kuwait.

Let me start with Kuwait, the victim of Iraqi aggression and destruction on a staggering scale. This resolution will initiate a redoubled United Nations effort to achieve satisfaction and closure on missing persons and stolen property. We look forward to cooperating in every possible way to support the efforts of the special envoy whom the Secretary-General will appoint to address these issues.

On humanitarian issues, the United States has demonstrated a sincere and enduring interest in the welfare of Iraqi citizens living under the tyranny and misrule of Saddam Hussein. We took a leading role in formulating the oil-for-food programme from its original conception shortly after the liberation of Kuwait in 1991.

We take satisfaction in the success of this important humanitarian effort, which has brought about a significant improvement in living conditions for the civilian population in Iraq. We recognize and appreciate the United Nations Secretariat's management of the oil-for-food programme, the largest humanitarian assistance effort in United Nations history. In particular, Mr. Benon Sevan and his colleagues in the Office of the Iraq Programme deserve our gratitude for their accomplishments in a very demanding situation. We fully support the Council's continuing effort to make the programme more efficient and more effective and it is for that reason that we support the humanitarian measures included in this resolution.

The oil-for-food programme is based on a simple principle. Iraq is authorized to export oil in order to generate United Nations-controlled revenue used primarily to benefit the Iraqi people. The measures in this resolution retain, at every step in the Council's consideration of this issue, that fundamental linkage between Iraqi oil exports and humanitarian benefit to Iraqi civilians.

Similarly, measures intended to improve Iraq's ability to produce and export oil remain linked to the documented need for assistance to the Iraqi people. Bearing in mind the need to be vigilant regarding dual-use items, the United States is prepared to accept such measures, particularly in the areas of safety and environmental impact, on the basis of that humanitarian standard.

The Council has never put any prohibition on the religious practices of the Iraqi people and we fully support the provisions in this resolution to exempt from sanctions air travel by Hajj pilgrims. No measure in this resolution should be seen as a step towards any broader relaxation of the air embargo imposed under resolutions 661 (1990) and 670 (1990), however. The United States continues to oppose easing the strictures on air travel, as this would greatly complicate the task of sanctions enforcement.

The area of arms control is central to this resolution, just as it is central to the entire Iraq issue. That is because the fundamental problem remains. Iraq has not complied with the disarmament requirements of the post-Gulf-War resolutions. The unimpeded operation of United Nations arms inspection teams on the ground in Iraq is essential. Accordingly, the United States attaches great importance to the provisions in this resolution calling for establishment of a reinforced monitoring and inspection effort in Iraq. The resolution creates the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to implement an existing mandate which remains robust and fully consonant with the line established by the Council in resolutions 687 (1991), 707 (1991), 715 (1991) and others. We call upon Iraq to cooperate fully with early resumption of the complete range of mandated disarmament and monitoring activities, which have been in abeyance due to Iraqi non-cooperation and non-compliance.

We look forward to the Secretary-General's appointment of a suitably qualified candidate, with Council support, to become the Executive Chairman of UNMOVIC. He or she will have big shoes to fill. Ambassador Rolf Ekeus built the United Nations Special Commission (UNSCOM) from the ground up, harnessing the highest level of technical proficiency in service of the Council's mandate. During his tenure, Iraq's concealed biological weapons programme was brought to light. Ambassador Richard Butler sustained the operation and logged enormous successes — including documentation of Iraq's previously undisclosed programme to weaponize VX nerve agent — despite growing Iraqi interference and disruption.

At this juncture, let me express appreciation to the entire UNSCOM staff, who have rendered an invaluable service to the international community over the last eight years. They have remained hard at work over the past year despite Iraq's refusal to permit in-country inspections and monitoring. The new Executive Chairman will be fortunate to inherit a sound and seasoned organization, with an irreplaceable database and an expert staff who are ready to return to work and complete their mandate. We also thank Charles Duelfer for his years of commitment to UNSCOM's important achievements.

Under this resolution, the Executive Chairman of UNMOVIC will remain the fully responsible and independent head of an organization which is a subsidiary organ of the Security Council. As with Ambassadors Ekeus and Butler, the Council has afforded the new Executive Chairman flexibility to seek expertise and advice from many sources; but he, or she, also like those two predecessors, will exercise full authority over the composition, structure, operation and critical judgements of UNMOVIC, subject to policy direction which this Council may decide to give.

As in the past, we expect UNMOVIC to employ objective and fully qualified experts in relevant fields, without undue reference to nationality or past organizational affiliation. As in the past, we expect UNMOVIC to act on the Council's behalf in providing a

strong and independent voice requiring punctilious cooperation and compliance from Iraq.

The United States will provide full support to the new Executive Chairman, whose role as the head of an independent and professional UNMOVIC will be central to the future of Council-mandated disarmament activities in Iraq.

Similarly, we will offer our full cooperation and support to the International Atomic Energy Agency (IAEA) as it resumes its Council-mandated activities in Iraq in tandem with UNMOVIC.

Today's resolution does not raise the bar on what is required of Iraq in the area of disarmament, but it also does not lower it. The Council set an exacting, but reasonable and realistic, standard in resolution 687 (1991), and Iraq must meet that standard. The United States will support no resolution which alters that fundamental principle.

This omnibus resolution commits the Security Council to take certain steps if there is compliance from Iraq. And, again, there is no lack of clarity in this resolution about the sequence of events. Iraqi compliance must precede all else, as the Security Council has stated in the many resolutions on arms control and disarmament in Iraq which it has adopted since Iraq's brutal occupation of Kuwait in 1990. That is the standard which we will look to the new Executive Chairman of UNMOVIC to uphold.

Among the important responsibilities which the Executive Chairman will need to address early on is articulation of the "key remaining disarmament tasks" which Iraq must complete. Obviously delineation of the tasks will draw heavily on the previous work of UNSCOM, the most comprehensive and authoritative work to date on the status of Iraq's compliance with its arms control obligations. Equally obvious is the fact that these "key" tasks comprise a subset of the full range of disarmament obligations which Iraq would have to fulfil in order for the Council to consider permanent lifting of sanctions.

Let me state, as clearly and simply as I can, the basic United States position. If Iraq fulfils the key remaining tasks and meets the requirements set forth in this resolution, then the Council, including the United States, can decide whether to recognize that cooperation and compliance by suspending sanctions.

Similarly, if Iraq meets the full range of obligations mandated in the Council's resolutions, the Council can make a decision regarding the lifting of sanctions. We are not seeking an excuse to use force. We would welcome a favourable Iraqi response to this resolution.

It should be clear to all that Iraq holds the key to its own re-entry to the community of nations. Iraqi compliance with the Security Council's resolutions, at any time between the liberation of Kuwait and today, would have prompted the Council to reconsider sanctions. Instead, Iraq has hewn to the path of concealment and prevarication and non-compliance.

At the same time, we have no illusion that the Iraqi regime is likely to change its spots in order to reap the proffered benefits of cooperation and compliance. In fact, the United States has, on many occasions, expressed its view that compliance is highly unlikely as long as Saddam Hussein remains in power in Baghdad. Nevertheless, we join our Council colleagues in introducing the principle of sanctions suspension based on the requirements set forth in this resolution. The Council has acted in good faith. Let us see whether Iraq can respond in kind.

What would it mean to "suspend" sanctions against Iraq? First of all, let me recall what it would not mean. It would not alter the import of food and medicines to Iraq, since the flow of such items has never been restricted by United Nations sanctions. It would not mean the end of inspection and monitoring activities in Iraq by UNMOVIC and the IAEA. And it emphatically would not mean that the Council would turn Iraq's purse strings over to Saddam Hussein and walk away.

Under a suspension scenario, the Council would decide exact terms for lifting prohibitions on exports from Iraq and civilian imports to Iraq. United Nations oversight of such transactions would continue, however. Indeed, before voting to suspend sanctions the Council is required under this resolution to decide on effective financial and other operational measures, which would remain in effect during suspension and prevent any revenues from being diverted for prohibited purposes.

Before considering suspension, the Council would also need to set guidelines on the means of delivering civilian imports during suspension. The present resolution does not define the details of those measures or stipulate what means of delivery will or will not be authorized. I would stress, however, that the United States attaches the

utmost importance to this requirement for effective control measures, and will work to ensure that those eventually adopted by the Council are rigorous, thorough and effective, as this resolution requires.

It is also important, in our view, that the Council has decided suspension would be temporary and would require an affirmative Council decision for renewal. Renewal, thus, would not be automatic. Furthermore, if Iraqi cooperation with UNMOVIC or the IAEA ceased during suspension, then suspension would automatically end. For that reason, the regulatory measures referred to above must be reversible, in order to facilitate reversion to the status quo ante should Iraqi non-cooperation trigger the termination of suspension.

The Council has placed the onus squarely on Iraq to demonstrate that it is continuing to satisfy the requirements set by the Council in this resolution and its predecessors. That is as it should be. Iraq's history of "cheat-and-retreat" with weapons inspectors means there can be no benefit of the doubt for Iraq.

Former United States Permanent Representative Adlai Stevenson once said "You will find that the truth is often unpopular and the contest between agreeable fancy and disagreeable fact is unequal." In addressing the Iraq situation, the Security Council must continue to be guided by the facts, however unpopular they might be with some — for example: the fact that the Security Council set a reasonable standard for the lifting of sanctions in resolution 687 (1991), and the fact that Iraq has manifestly failed to meet that standard; the fact that both the IAEA and the Special Commission reported to this Council one year ago that Iraq had not fulfilled its obligations with respect to weapons of mass destruction, and the fact that Iraq has taken no action to fulfil those obligations in the intervening 12 months; the fact that Iraq has failed to meet its obligation to account for more than 600 persons, presumed imprisoned or murdered at Iraqi hands, who have been missing since the invasion of Kuwait, and the fact that Iraq last year severed its cooperation with the Red Cross and the Tripartite Commission established to resolve this most elemental of humanitarian issues; the fact that massive and systematic abuse of human rights remains a pervasive fact of daily life for the civilian population of Iraq, including children, as Max van der Stoel, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, documented in his deeply disturbing October report; and the fact that the Government of Iraq has demonstrated that it would rather manipulate the suffering of innocent civilians for propaganda purposes than take full advantage of available assistance under the oil-for-food programme.

Those are the facts that must inform the Council's judgement as it faces the follow-on decisions which implementation of this resolution will require over coming weeks and months. In adopting this resolution today, the Council's forty-ninth resolution on the Iraq issue since the August 1990 invasion of Kuwait, the Security Council has sent a strong message to Baghdad. This resolution reflects the critical judgement of the Security Council, acting on behalf of the international community, that Iraq has not fulfilled its obligations under the previous resolutions, that sanctions must and will remain unchanged until Iraq does so and that the Council, acting to uphold peace and security in accordance with the United Nations Charter, will accept no other outcome.

In adopting this resolution today, the Security Council has demonstrated that it has the patience and the resolve to uphold the requirements it set in resolution 687 (1991). Now we await the response from Baghdad.

The President: I thank the representative of the United States for his kind words addressed to me and my delegation.

Mr. Buallay (Bahrain)(*spoke in Arabic*): The Security Council has voted on a draft resolution that can truly be considered one of the most important resolutions put before the Council in the past two years. My delegation, which voted in favour of the draft resolution, sincerely hopes that it will be implemented in a credible and objective manner. We are aware that the Council has made strenuous efforts and spent long hours, and you, Sir, have chaired and steered these efforts, in preparation of the draft resolution and in working to secure support for it by the majority of its member States.

However, we also believe that its implementation will require complicated and wide-scale efforts; that would be the decisive factor in implementing it in a valid and efficient manner. We say this because we truly hope that the crises between Iraq and the Security Council will not be repeated. We are keen to see constructive cooperation prevail between the two parties in order to allow for complete destruction of Iraqi weapons of mass destruction, the release of Kuwaiti and other nationals held as prisoners of war and the return of Kuwaiti property.

We in the Gulf region do not favour non-peaceful options that cause tremors in the region every time a crisis looms in the relationship between the Council and Iraq. Therefore, Iraq must continuously implement Council resolutions, the most recent of which is the one we adopted today. This would mean that Iraq should carry out the demands requested of it so that it can devote its efforts to economic and social development, along with other countries of the region.

Our delegation has repeatedly called for the Security Council to make known what has been achieved in the field of weapons of mass destruction. This will be an encouragement to finish the task. We also have called for a declaration on the fate of prisoners and properties. However, the prevailing thinking at the Council at that time was the policy of "all or nothing". Now we find the Council modifying its style and approach, as clarified in the draft resolution, allowing for a partial recognition of what has been realized so far.

The Council has shown readiness to suspend the sanctions imposed on Iraq, provided that Iraq show cooperation in the field of armaments. We call on Iraq to cooperate further with the Council. The Council will guarantee its interests and the interests of the countries concerned, reminding Iraq of its commitments under the relevant Council resolutions.

We have not heard any member of this Security Council who has declined to say that Iraq must cooperate with the Council in the implementation of the relevant resolutions, including today's. In return, Iraq had already declared its total rejection of the resolution, even before its adoption. And here we are today, questioning the ability of the Council to cooperate with the party primarily concerned when this same party rejects any cooperation with it. This party puts suspension of any sanctions previously imposed on it by the Council as a condition for cooperation. How can we suspend or cancel the sanctions while resolution 687 (1991), relative to the destruction of weapons of mass destruction, has not been implemented? Or while the release of Kuwaiti prisoners and other nationals and the return of Kuwaiti property has not been secured?

Here, we must not say that the number of prisoners is small in comparison with those who were taken prisoner in other wars. A prisoner means the whole world for his family; consequently, the problem of prisoners is primarily a humanitarian one. Also, we should not hear that the Kuwaiti properties are simply archives. They are the identity and history of the State of Kuwait; they were stolen so as to obliterate the existence of that country.

Therefore, are we really about to repeat the crises that have loomed in the past between Iraq and the Security Council? We have warned, and continue to warn, about the unpeaceful consequences of such crises.

Today's resolution might not be the optimal one, and its adoption was not unanimous. However, it represents a serious attempt by the Security Council to deal with the issue. Iraq must respond favourably so that the desired results of both parties will be realized.

While waiting for an end to the fall-out from the crisis brought about by the Iraqi aggression against Kuwait, the Security Council adopted the oil-for-food programme so that humanitarian supplies could become a major factor in alleviating the suffering of the Iraqi people resulting from the sanctions imposed against Iraq. It is an integrated programme and is already in its eighth year. However, we have not yet been able to put an end to the question of weapons of mass destruction, nor has there been any information on Kuwaiti prisoners of war or Kuwaiti property.

We are delighted to see that in the draft resolution adopted today, the Council showed readiness to evince more flexibility on the issue of humanitarian supplies. It also exempted the Hajj pilgrimage from the sanctions provisions.

On the other hand, we would like to recall the fifth preambular paragraph of the resolution, which recalls the goal of establishing the Middle East as a zone free from weapons of mass destruction. Here, we must emphasize that Israel poses a great danger to the region, because it possesses a huge nuclear arsenal. Israel must, therefore, submit its nuclear installations to international inspection by the International Atomic Energy Agency (IAEA), in particular the Dimona reactor, which is considered the most dangerous nuclear installation in the Middle East region.

The Security Council must bring the Iraqi question to an end. Iraq, on its part, must cooperate with the Council by implementing its resolutions. Iraq must also coexist peacefully with its neighbours. Then, and only then, will peace and development have a viable chance of spreading in our region. The first step is today's resolution.

Mr. Türk (Slovenia): The delegation of Slovenia supported the preparation of and voted for the resolution adopted by the Security Council today. The resolution just adopted is a result of many months of hard work and difficult negotiations. We wish to pay tribute to you, Mr. President, and to the delegation of the United Kingdom for the work done. It was largely due to your perseverance and skills that the resolution became possible at this stage.

The resolution adopted today is comprehensive in scope and addresses all the main aspects of the new system for Iraq. This is important and calls for reflection on the issues involved in a long-term perspective.

First, it is important that the resolution addressed all the issues comprehensively. The programme established includes, very importantly, the obligations of Iraq concerning the repatriation of all Kuwaiti and third party nationals, and it requires Iraq's cooperation in the international mechanisms established for that purpose. These are important obligations. About a decade after the armed conflict, it is an absolute imperative to clarify the fate of the missing, to repatriate all those who are awaiting repatriation, to return Kuwaiti property and archives and to close this sad chapter on the history of the Gulf War.

The detailed provisions on humanitarian issues offer important improvements in the effort to address the humanitarian needs of the Iraqi people. My delegation welcomes these improvements, which will make the work of the sanctions committee with respect to humanitarian exemptions more effective. At the same time, we wish to note that there are important tasks incumbent upon the Iraqi Government, which remains responsible for the situation in Iraq and the humanitarian situation of its people. It needs to be emphasized that a responsible government cannot justify its shortcomings by constant references to sanctions.

The most innovative parts of the resolution address the future of arms inspections in Iraq and the question of suspension and eventual termination of sanctions. Here reflections related to the long-term context are particularly necessary. The last few years of the efforts last to implement resolution 687 (1991) demonstrated the inherent limitations of the regime established by that resolution. The regime was based on the expectation that the total abolition of Iraqi weapons of mass destruction would be achieved relatively soon, and that as a result the sanctions would be lifted completely. However, experience has shown that such a scheme does not suffice for the necessary transition to disarmament, which requires a more gradual, phased approach.

The present resolution recognizes the reality of the need to make gradual progress. The key disarmament tasks must be accomplished, and the system of ongoing monitoring and verification must be made effective. It is realistic to expect that such achievements can take place in a process which will have to be carefully monitored by the Security Council. Suspension of sanctions can help. The decision to suspend sanctions would be taken when the relevant conditions were fulfilled. The possibility of suspension, which has not existed thus far, gives the Security Council an important additional tool and the option of using positive measures — namely, incentives — which should motivate Iraq to cooperate in the process towards the final objectives of the elimination of weapons of mass destruction and the ultimate lifting of sanctions. This promises dynamism, which has not been possible under the earlier system.

Finally, the resolution establishes a new mechanism for monitoring, verification and inspection in Iraq. The mechanism and its institutional setting within the United Nations system seem adequate and we welcome them. On the other hand, we wish to note that the tasks to be accomplished will not be without difficulties both in terms of technical work and in terms of the need for the Security Council to agree on various issues of disarmament and ongoing monitoring and verification. These issues are, naturally, not only technical. They relate to the overall perception of the military and security situation in the region, and are therefore likely to produce new difficulties in the work of the Security Council. The absence of unanimity today is an expression of the difficulties inherent in the situation. The question therefore is: Is there is a way to overcome these difficulties? I believe that the answer is: "Yes" and that it can be expressed in relatively simply terms. The Security Council and all of its members should take very seriously their responsibility to exert judgement on various disarmament issues, with a sense of objectivity. Any other approach may give rise again to the kind of tensions that have characterized the last two or three years.

In sum, we believe that the resolution adopted today establishes important new arrangements and represents considerable improvement and promise. It is now up to the Government of Iraq to realize that the Security Council is offering a genuine possibility to end the present situation, and that such a possibility must be

seized. We hope that the Security Council, in its new composition, will be able to make faster progress than was the case in the past two years, and that all the issues concerning Iraq will be resolved.

The President: I thank the representative of Slovenia for his kind words addressed to me and my delegation.

Mr. Fowler (Canada) *(spoke in French)*: The adoption of a comprehensive resolution is an important step in the continuing process to resolve the situation in Iraq.

It is the culmination, as we are all too aware, of many months of negotiation and intense diplomacy by all of us. We must, however, pay particular tribute to your personal efforts, Mr. President, and those of your team of experts, who have worked hard to produce the resolution we have just adopted.

When Canada became a member of the Council in January, the Council was searching for a solution to a status quo which was unsustainable. Weapons inspectors were barred from arms depots, the humanitarian situation was disturbing, and the plight of Kuwaiti prisoners of war risked being forgotten. As a result, the Security Council's credibility, authority and effectiveness was in doubt.

The three panels proposed by Canada in January which worked so diligently through February and March under the brilliant and imaginative leadership of Ambassador Amorim of Brazil were designed to address these problems and to lay the foundations for a new Council policy on, and approach to, the question of Iraq, an approach which would enable us to restore Council discipline in Iraq while bringing effective succour to the Iraqi people.

(spoke in English)

Today's resolution reflects most of the recommendations made by Ambassador Amorim's three panels; that is why it has attracted Canada's support.

The resolution offers the people of Iraq relief from the humanitarian hardships they have endured while providing the international community, particularly Iraq's neighbours, with the assurance of continued and focused attention on the disarmament problems which remain unresolved.

It is the people of Iraq who have paid the highest price over the past nine years, and they stand to gain the most from the swift implementation of the terms of this resolution. We are pleased that the Council's efforts have produced much in this text for the people of Iraq. There are strengthened mechanisms to ensure that medical, agricultural, pharmaceutical and educational supplies get to the people, and get to them faster. There is a much needed cash component, for the first time, for the humanitarian effort in the centre and South of Iraq, which will allow programmes there to directly address the training and capacity-building needs of the Iraqi people. And the resolution holds out the possibility of improving Iraq's infrastructure and increasing Iraq's oil production capability, through provisions for additional spare parts and even foreign investment at some later stage. An important immediate benefit will be the removal of the oil export ceiling, which will make significant amounts of new money available for humanitarian priorities.

The humanitarian provisions should provide immediate relief to a variety of segments of Iraqi society, and Canada is determined to work to ensure that the commitments made in this resolution are implemented in both letter and spirit.

In addition, Canada recently sent a mission to Iraq to witness firsthand the humanitarian and other impacts of Iraq's continued isolation. We are committed to improving the humanitarian situation and are exploring ways, based on the findings of that mission, to further alleviate the conditions endured by the most vulnerable segments of Iraqi society, especially the children.

We are determined as well to see the same diligence brought to bear on the disarmament side of the Iraq equation. There is much work that will need to be done to put in place an ongoing monitoring and verification system which can do the job competently, intelligently and professionally. Canada will contribute to this effort and ensure that the goals set on the disarmament front are clear and precise and consistent with the regional security objectives established by the international community.

These are all significant decisions by the Security Council that reflect a willingness by the Council to come to grips with the situation in Iraq.

We recognize that Iraq and some members of the Council are not entirely satisfied with the Council's updated approach. Canada believes, however, that this resolution puts in train an important process which ought to permit a new relationship to be established with Iraq by laying out the principles and the commitments which

could underpin a different dynamic between the Council and Iraq.

The passage of this resolution carries with it obligations for the entire international community which must be respected. On this principle, we are certain there is Council unanimity.

Iraq must also respond positively if it is to realize the dialogue with the Council that it has sought for so long. The time has long since passed when the people of Iraq could afford the luxury of their Government's desire to play politics with the will of the international community.

This resolution offers the Iraqi people both immediate humanitarian relief and the hope of returning to a normal life. We urge the Government of Iraq to seize this opportunity to help its people and to move towards the closure of this question soon.

The President: I thank the representative of Canada for the kind words he addressed to me and to my delegation.

Mr. Andjaba (Namibia): Mr. President, let me thank your delegation, and you personally, for the efforts you have put into this exercise to complete the resolution which we have adopted today.

As I have stated an previous occasions, my delegation would have preferred a unanimous Council decision on the important, complex and politically charged issue of Iraq. Our main concern remains the implementability of a resolution passed by a divided Council. There was indeed an excellent opportunity to achieve consensus, since we were privileged to have the recommendations in the panel reports which were prepared by Ambassador Amorim of Brazil. However, as has been proved today, there still remain some unsurmountable differences among Council members. These, in the view of my delegation, could also have been resolved had the necessary political will existed among the permanent five.

Of equal concern to my delegation was the fact that the Council, for close to a year now, has not been able to assert itself on the Iraqi problem, with the result that some crucial issues were not attended to. Henceforth, we prefer that the issue of Iraq be taken care of in the Council, and by all Council members, in terms of its primary responsibility for the maintenance of international peace and security.

Having said that, my delegation voted in favour of today's resolution because it represents a vast improvement over the situation from where the Council started nearly a year ago, and it addresses most of the outstanding issues on Iraq in a comprehensive manner while taking into account a large percentage of the panel recommendations.

The resolution furthermore provides, with regard to disarmament issues, a road map which can ensure the total elimination of all weapons of mass destruction and the suspension and eventual lifting of sanctions. The resolution also takes care of the most essential humanitarian concerns to my delegation, such as the Kuwaiti issues in section B, and especially the issue of the missing persons and prisoners of war, whose family members are eagerly waiting for justice to be done. Furthermore, the provisions of section C will go a long way towards addressing the material needs of the Iraqi people, since the oil-for-food programme could not, on its own, address all essential needs.

Finally, my delegation sincerely hopes that this resolution will allow the Council to re-establish a relationship of cooperation and engagement with Iraq and to discourage any possible unilateral action by Member States against it. The resolution should allow us to close this unfortunate chapter for good, so that Iraq can eventually take its rightful place in the international community.

The President: I thank the representative of Namibia for the kind words he addressed to me and to my delegation.

Mr. van Walsum (Netherlands): First, Mr. President, I would like to join other delegations in thanking you and your collaborators for all you have done to make the adoption of today's resolution possible.

After almost a year of profound disagreements and arduous negotiations, the Council has at last been able to find sufficient common ground to begin a new phase in its policy with respect to Iraq. The Netherlands voted for the resolution that has just been adopted because it believes that a new basis for Council action regarding Iraq is needed and because the advantages of this resolution outweigh its disadvantages.

Ever since the Netherlands joined the United Kingdom in submitting a first draft for this resolution, it has been our fervent desire to see it adopted with the

concurring votes of all Council members. In that light, we have been prepared to go along with a large number of concessions in order to accommodate other views. The current resolution is, in fact, a considerable distance removed from the British-Dutch draft of April and is actually much closer to the position of those who had made counter-proposals. However, over the past few months — that is, after the permanent five had taken possession of the drafting process — it became clear that the price for enabling Russia, China and France to vote for the resolution was a higher one than my delegation was prepared to pay. In the end, we had to accept that a consensus was not possible if we wished to remain faithful to our objective of establishing a genuine and credible reinforced ongoing monitoring and verification system.

This morning several delegations also expressed regret that it was not possible to reach consensus. But we are not convinced that all delegations were really ready to vote in favour once their concerns had been met, or that they had an interest in voting for any resolution unwelcome to Baghdad. This could explain why the many amendments incorporated into the text did not lead to a change in the voting pattern that could already have been predicted months ago. Rarely have so many concessions gone so unrewarded.

The current argument for holding out for a consensus is that only if all Council members vote for the resolution will Iraq be ready to cooperate and allow the inspectors back into the country.

We have never found this a very convincing argument. In the statements made by the Iraqi authorities, we have found no indication at all that they would be prepared to cooperate with the Security Council other than on the basis of an unconditional lifting of the sanctions, and no member of the Council has shown any readiness to meet that condition. That is why it does not make a great deal of difference that our resolution was not adopted by consensus. Article 27 of the United Nations Charter describes how Council decisions are made, and Article 25 stipulates that every Member of the United Nations is obliged to accept and carry out such decisions. Nothing in the Charter allots a higher degree of legitimacy to a Security Council resolution that is adopted by consensus.

Accordingly, regardless of the result of the vote, the new resolution is the law of the land.

Given their well-known position, no one expects the Iraqi authorities to promise cooperation, let alone welcome the new resolution. But the new situation is a reality, and we sincerely hope that Iraq will soon begin to recognize the promising openings it is being offered by the international community. For the Netherlands, the primary objective has always been the implementation of the disarmament obligations which the Council imposed on Iraq after that country had attempted to wipe a sovereign State off the map. Iraq must never again be able to threaten its neighbours or develop or otherwise acquire weapons of mass destruction. The previous arms control regime, which the Security Council established in 1991 and which it operated through the activities of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), was instrumental in finding and destroying Iraqi weapons of mass destruction. UNSCOM and IAEA did an excellent job in the face of continual Iraqi obstruction and deception. We pay tribute to the commitment and perseverance of their leaders and staff members.

The current resolution represents a shift in the Council's approach to Iraq, from active disarmament to ongoing monitoring and verification, while retaining the possibility of addressing unresolved disarmament issues, known as OMV-plus. However, the concessions referred to earlier will make it considerably more difficult — although, we believe, not impossible — to achieve the Council's objectives. The text contains ambiguities which must not be allowed to undermine the effectiveness of the OMV-plus regime. It asks considerably less in the way of Iraqi performance before a possible suspension of sanctions than we would have considered desirable. The complex organizational system envisaged can all too easily lead to misguided micromanagement and operational paralysis of the new arms control body, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). We can accept the result, but this is not a text that the Netherlands would have sponsored in April.

Before the new system can start to become operational, the Council will be asked to approve various steps. That will be the opportunity for making sure that the OMV-plus regime established by this resolution will be effective. The Netherlands also calls on the newly elected Council members to be vigilant on that score.

In this Council, a great deal has been said about the need for Iraq to see light at the end of the tunnel. The thoughtless use of this phrase almost made it sound as if the Council had locked Iraq up in a dark cave with no exit. However, the existing resolutions, in particular

resolution 687 (1991), already clearly illuminate the exit: sanctions will be lifted once Iraq has complied fully with the obligations imposed by the Security Council. The present resolution adds significantly to that by offering Iraq a possible suspension of sanctions well before full compliance. This is a completely new element in the Council's approach to the question of Iraq, and an important political step. For this suspension to materialize, Iraq must have cooperated with UNMOVIC and IAEA in all respects for a period of 120 days, in particular in fulfilling, in all the aspects referred to in this resolution, the work programmes to be drawn up by UNMOVIC and IAEA and to be approved by the Council.

Let me be clear about our understanding of the word "cooperation": it involves much more than just a constructive attitude on the part of Iraq. To cooperate is to act together. It is not so much a question of attitude as of performance. Thus, it will be up to the Government of Iraq itself to trigger the suspension of the sanctions.

As I mentioned earlier, it is not realistic to expect an early positive signal from Baghdad. It is precisely for that reason that I, in my dual capacity as representative of the Netherlands and Chairman of the sanctions Committee established pursuant to Security Council resolution 661 (1990), am relieved that the present resolution provides for a considerable enhancement of the humanitarian programme, which will be implemented irrespective of whether or not the Iraqi regime chooses to cooperate with the Security Council. Since 1991, the Council has made it clear that sanctions were imposed only to contain and coerce the Government of Iraq, and it has taken steps to minimize the adverse effects which they had on the people of Iraq.

Section C of this resolution forms a significant further step in shielding the people of Iraq as much as possible from the consequences of the defiant behaviour of their Government. A number of steps provided for in section C will have to be taken by the sanctions Committee. I trust that all delegations on that Committee, including those which today have abstained on the present resolution, will join me in tackling these matters as vigorously as possible.

The President: I thank the representative of the Netherlands for the kind words he addressed to me and to my delegation.

I now give the floor to the representative of Brazil to make a brief second statement.

Mr. Fonseca (Brazil): Thank you, Mr. President, for giving me the floor a second time. I cannot refrain from thanking my colleagues for the words of praise addressed to my predecessor, Ambassador Celso Amorim. It is with pleasure that I will inform him of how meaningful his contribution was to the work of the Council on this difficult question.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

Since the adoption of the Security Council resolutions which followed the end of the Gulf war in 1991, the United Kingdom has regarded it as one of the most important responsibilities of the international community, and in particular of the Security Council, to hold Iraq to its obligations under those resolutions and to contain the threat to the peace and security of the region. That includes the threat posed by weapons of mass destruction. For the Security Council to remain a successful global manager of peace and security, we must ensure that its decisions are not diluted by defiance.

The Council's work on Iraq throughout this year has been dedicated to finding a new approach for the international community's business with Iraq, one firmly set in the framework of a collective responsibility exercised within the United Nations. The Amorim panels gave us an excellent start. It is in that spirit that the United Kingdom has participated in these negotiations, and that is why we have worked tirelessly to find an outcome which, while meeting our concerns that Iraq should meet its international obligations, allowed adoption by the whole Council.

We now have that way forward. We have a resolution which preserves the original disarmament standards for Iraq; establishes a new monitoring and inspection arrangement for Iraq, in the shape of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC); and meets our humanitarian concerns by making the oil-for-food programme bigger and better resourced, in particular through the lifting of the oil ceiling, and by setting out ways to make sure that the funds can be spent as quickly and efficiently as possible to the benefit of the Iraqi people. It also belated recognizes just how dire Iraq's response has been to its obligations with regard to missing Kuwaiti citizens and property. Most significantly of all, it sets out a series of clear, logical steps, using the new concept of suspension, to bring Iraq out of sanctions and back into the international community and to allow the suffering Iraqi

people once again to hope for a normal existence. If Baghdad chooses to turn down the opportunity of this resolution, then the Iraqi people are the real losers.

The Council has embraced the idea of suspension, because it both maintains the integrity of the previous resolutions and marks out the way forward. The United Kingdom strongly endorses the concept, and sees it as a valuable step towards the full lifting of sanctions.

The criteria for suspension are clear, and are rooted in Iraq's obligations under existing resolutions. They give the international community the necessary reassurance that suspension can occur only if Iraq at last begins to act according to the rules of international law. If we have needed to establish a process for that purpose which involves calling for the responsible judgement of the Council at steps along the way, that too is sensible; it can only help to produce greater confidence in Iraq's good faith and stronger agreement within the Council on how to deal with Iraq.

Some have argued that the resolution should have been designed to ensure Iraq's acceptance of it. On the basis of Iraq's known current positions, that would have meant abandoning all the previous resolutions. It was clearly not a credible approach for the Council. A more serious point is whether Iraq will cooperate in its implementation. Iraq's track record and its recent rhetoric are hardly encouraging: witness its refusal this week to grant visas to the International Atomic Energy Agency. That makes it all the more important that we in the Council do everything we can to turn this resolution into a reality. It means action across the board, starting now. On weapons of mass destruction, we need to select someone able and experienced as Executive Chairman of UNMOVIC to carry on the excellent and professional work of the United Nations Special Commission. On the humanitarian side, the Committee established pursuant to resolution 661 (1990) has urgent work to do to make the humanitarian programme bigger and better. And we look forward to the appointment of an active coordinator on the Kuwait-related issues.

The adoption of this resolution was an exceptional achievement for the Security Council. As the representative of the Russian Federation stated this morning, it was possible to avoid a split in the Council. The result is fully in the interests of the Iraqi people and of the international community. The resolution has been adopted, explicitly, by the Council as a whole, in the recognition that relief of sanctions and performance on disarmament have to go hand in hand. We regret that, on this point, some have been more inclined to listen to the voice of the Iraqi leadership than to the needs of the Iraqi people. The Council now has the policy which it needs, and this resolution is now the law of the globe.

It is time to look forward. The Security Council needs, and the United Nations system as a whole needs, the weight of the full Council and the full membership in implementing this mandatory resolution. We have a great deal of work to do to bring its provisions into effect, and we must do it together. If we succeed in that, it will be to the advantage of the peoples of Iraq and of the region, in the interests of the future authority of the United Nations, and to the great credit of the Council.

Finally, as the sponsor of this resolution, I pay tribute to my colleagues — all of them — for their patience, their perseverance and their diplomacy in bringing this comprehensive piece of work on Iraq to a result.

I now resume my functions as President of the Security Council.

Mr. Hasmy (Malaysia): I would just like to remind the representative of the Netherlands that, in addition to China, France and the Russian Federation, Malaysia too abstained in the vote on the resolution just adopted by the Council. My delegation would like to stress that while Malaysia is not a permanent member, it is nevertheless a full, functioning and voting member of the Council, and has just exercised its right to vote on a draft resolution, on which it abstained for reasons my delegation made clear in its earlier statement.

On the process that led to this vote, my delegation is of the view that if the issue had been properly discussed and negotiated among all 15 permanent and non-permanent members at every stage of the consultations and negotiations, the outcome might well have been quite different.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.45 p.m.